§10313. Competitive solicitations

The department is responsible for initiating and conducting procurements for energy, associated environmental attributes or other services from renewable and clean resources. For the purposes of this section, "renewable and clean resources" means generation eligible for any portfolio requirement in section 3210, energy storage, demand management or related transmission. Beginning January 15, 2027, and every 2 years thereafter, the department shall conduct one or more competitive solicitations during the following 2-year period to procure renewable and clean resources, which may include environmental attributes through long-term contracts if the department determines procurement is necessary to achieve the requirements of section 3210 or Title 38, section 576-A or 577, to meet and manage reasonably expected growth in electricity demand or to meet reliability needs or the department determines is otherwise necessary based on the comprehensive state energy plan prepared pursuant to section 10305, subsection 1. These contracts are not subject to the rules of the Chief Procurement Officer. [RR 2025, c. 1, Pt. A, §49 (COR).]

1. Objectives. The department shall conduct competitive solicitation under this section in a manner consistent with the following objectives:

A. To provide the benefits of renewable and clean resources to ratepayers in the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. To provide the benefits of renewable and clean resources toward meeting the greenhouse gas reduction obligations and climate policies established by Title 38, sections 576-A and 577; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. To contribute to the State's economic and workforce goals, including through the actions detailed in section 3210-I, subsection 3, paragraph D, subparagraph (2); [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. To minimize the impact of energy generation on the environment of the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. To ensure the protection of low-income ratepayers; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

F. To avoid or minimize the curtailment of other renewable or clean resources. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Solicitation initiation. If the department determines one or more competitive solicitations are necessary based on the comprehensive state energy plan required pursuant to section 10305, subsection 1 and related analysis, the department shall initiate solicitations in order to select resources for contracts under this section. The department shall determine the total amount sought in all competitive solicitations within any 2-year period under this section in accordance with the state energy plan, except that the amount may not exceed 15% of the average annual statewide electric retail sales in the preceding 2-year period.

A. The department shall develop a request for proposals for each competitive solicitation that meets the requirements of subsection 3. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The department shall consult with the Office of the Public Advocate in developing a request for proposals. The department may also solicit public input, including through requests for information, to obtain information prior to publishing any final competitive solicitation. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The department shall submit a request for proposals to the commission for approval prior to its issuance. The commission shall approve or reject a request for proposals submitted by the department in accordance with this section as expeditiously as possible but within 120 calendar days, unless a longer period is requested by the department. The commission shall approve a request for proposals upon finding that it conforms to the requirements of subsection 3, is reasonably likely to result in one or more contracts that provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract and is reasonably likely to result in competitive bids. [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. The department may hire expert consultants necessary to assist in the development of the competitive solicitation and evaluation of proposals. [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. The department may coordinate a competitive solicitation with other governmental entities or entities designated by those jurisdictions or transmission and distribution utilities. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Solicitation requirements. A competitive solicitation under this section must be conducted using a request for proposals. A request for proposals must include, but is not limited to:

A. Criteria to determine the eligibility of prospective bidders; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Criteria to determine the eligibility of submitted projects; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. Criteria to determine the selection of awarded projects, including criteria to determine ratepayer benefits and costs consistent with subsection 1; [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. A process for the submission of questions by prospective bidders and the provisions of responses by the department in a manner that is equally accessible to all prospective bidders; [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. A timeline with expected dates for each phase of the bidding and evaluation process; [PL 2025, c. 476, Pt. A, §16 (NEW).]

F. A standard form contract, which must include commercially reasonable terms and terms that to the extent practicable avoid or minimize the curtailment of other renewable or clean resources and protect ratepayers from impacts of negative pricing, and may not be for a term greater than 20 years, unless a different term is determined by the commission to be in the public interest; [PL 2025, c. 476, Pt. A, §16 (NEW).]

G. Notice of state wage, safety and apprenticeship requirements that may be required based on the solicitation type; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

H. Any necessary materials or templates to enable submission of comparable and competitive bids. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Evaluation and selection. The department shall evaluate and select proposals in accordance with this subsection. The department may coordinate with other entities, including, but not limited to, state agencies, the Office of the Public Advocate, transmission and distribution utilities, other states and the independent system operator of the New England bulk power system or a successor organization, in the evaluation and selection of proposals under this section. The department may find a submitted proposal ineligible if the department, at its sole discretion, determines the proposal does not conform to the criteria established in the request for proposals.

A. In evaluating eligible proposals and selecting one or more proposals for contract awards, the department shall give the greatest weight to the benefits to ratepayers. The department may not select a proposal for a contract award unless the department determines the proposal is reasonably likely to provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. In selecting projects that meet the requirements of paragraph A, the department shall also weigh factors consistent with the objectives established in subsection 1, as long as the factors and weight are consistent with the criteria established pursuant to subsection 3, paragraph C. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The department shall evaluate and to the extent practicable, select proposals that avoid or minimize negative impact on other renewable or clean generation due to congestion and curtailment. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

5. Wage, safety and apprenticeship standards. If the department selects a project for a contract for energy from an assisted project located in the State as defined in Title 26, section 1304, subsection 1-A, the department shall ensure that standards under the contract applicable to contractors and subcontractors involved in the project's construction include requirements that a contractor or subcontractor:

A. Ensure that all construction workers earn compensation at or above the prevailing hourly wage as described in Title 26, section 1308; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Meet the requirements described in Title 26, sections 1301, 1317 and 3502. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

6. Contracts. Contracts must be based on the standard form contract required by subsection 3, paragraph F. The department may coordinate with any entity listed in subsection 4 in the negotiation of contracts. The department or a transmission and distribution utility may make a request to file information relevant to the contract negotiations with the commission pursuant to a protective order.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

7. Commission approval. The department shall submit contracts negotiated pursuant to subsection 6 to the commission for approval, and the commission shall approve a contract upon finding that:

A. The solicitation process conducted by the department conformed to the requirements of this section; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The contract is commercially reasonable; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The contract is reasonably likely to provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract, as determined using the criteria established pursuant to subsection 3, paragraph C. [PL 2025, c. 476, Pt. A, §16 (NEW).]

If the commission approves a contract, the commission shall issue an order directing a transmission and distribution utility to act with respect to the contract within 120 calendar days, unless a longer period is requested by the department. If the commission does not approve a contract, the commission may direct that the contract be amended and resubmitted to the commission for approval.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

8. Bidding fees. The department may require a bidder to pay a reasonable and nonrefundable bidding fee to defray the department's administrative costs associated with a solicitation, as well as financial security due at contract execution, which may be at risk if projects fail to meet project milestones. The department may require a transmission and distribution utility to hold those fees. A bidding fee must be set forth in the request for proposals required by subsection 2.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

9. Confidentiality. Proposals submitted in response to a solicitation and materials created or submitted during contract negotiations pursuant to this section are confidential and may not be disclosed.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

10. Commission rules. The commission shall establish a process by rule for the review of requests for proposals under subsection 2, paragraph C and the review of contracts under subsection 7. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[RR 2025, c. 1, Pt. A, §50 (COR).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW). RR 2025, c. 1, Pt. A, §§49, 50 (COR).